



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Chief Administrative Officer

At its meeting held October 21, 2003, the Board took the following action:

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The following item was called up for consideration:

Supervisor Molina's motion to oppose H.R. 2671 (Norwood), The Clear Law Enforcement for Criminal Alien Removal Act of 2003 (The Clear Act of 2003), legislation which would require State and local law governments to enact a statute authorizing its law enforcement officers to enforce Federal immigration laws in the course of carrying out the officer's law enforcement duties, and would be a condition for receiving State Criminal Alien Assistant Program funding; instruct the County's Legislative Advocates in Washington D.C. to oppose the CLEAR Act of 2003; and request the Chief Administrative Officer and the Sheriff to report back within 30 days on the potential fiscal impact that the passage of H.R. 2671 could have on the County's budget and the impact it could have on public safety and the criminal justice system.

Supervisor Molina made the following statement:

"I am offering this motion as a substitute to Item No. 9, my motion to oppose H.R. 2671, the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act. Instead of opposing the bill, this motion would set legislative policies to guide the County's Federal advocacy efforts on the broader issue of the role of states and localities in enforcing Federal immigration laws and in cooperating with Federal civil immigration authorities.

"While the CLEAR Act is not expected to pass through the Judiciary Committee, there is concern that there will be other attempts to tie the State Criminal Alien Assistance Program (SCAAP) funds with civil immigration enforcement.

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“The CLEAR Act suggested requiring states and local law enforcement to enforce Federal immigration laws, including civil laws, as a condition for receipt of SCAAP funds. The County Sheriff’s resources already are stretched far too thin in trying to meet its state and local responsibilities and to improve homeland security. Sheriff’s deputies should not be required to act as Federal immigration agents, especially at the expense of their ability to maintain the trust of the communities they serve.

“While the County should not be forced to enforce Federal immigration laws in order to receive SCAAP funds, it is reasonable to expect the County to cooperate with the Federal government in identifying deportable criminal alien inmates whose incarceration costs are to be reimbursed by SCAAP.”

Therefore, Supervisor Molina made a motion that the Board:

1. Oppose proposals that would require local law enforcement officers to enforce Federal immigration laws; and
2. Support proposals that would make Federal reimbursement of undocumented criminal alien incarceration costs contingent on state and local cooperation in identifying deportable criminal aliens in their custody and also provide for full Federal reimbursement of the costs of incarcerating inmates whose immigration status was not verified by Federal immigration agents prior to their release from state or local custody.

Shiu S. Chand, representing the South Asian Network, Steve Reyes, representing the Mexican American Legal Defense and Education Fund, Mark Yoshida, representing the Asian Pacific American Legal Center of Southern California and Ivonne Michelle Autry, addressed the Board.

Supervisor Knabe made a suggestion to make a language change to recommendation number one of Supervisor Molina’s motion be amended to oppose proposals mandating local law enforcement officers to enforce Federal immigration laws and tie it to the appropriation of dollars or that recommendation number one be divided for a vote.

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Supervisor Molina did not accept Supervisor Knabe's amendment to change the wording to her motion but accepted Supervisor Knabe's suggestion to take a separate vote on recommendation number one.

Supervisor Burke made a suggestion that the Board support the present SCAAP policy as set forth in Supervisor Molina's recommendation number two, and amend recommendation number one to instead oppose H.R. 2671 unless SCAAP funds are not conditional upon local law enforcement officers enforcing Federal immigration laws. No action was taken on Supervisor Burke's suggestion.

After further discussion, the Chair ordered a division of the question on Supervisor Molina's motion.

On motion of Supervisor Molina, the Board went on record to oppose proposals that would require local law enforcement officers to enforce Federal immigration laws. Said motion was duly carried by the following vote: Ayes: Supervisors Molina, Burke and Yaroslavsky; Noes: Supervisors Knabe and Antonovich.

Further, on motion of Supervisor Molina, and by unanimous consent, there being no objection, the Board went on record in support of proposals that would make Federal reimbursement of undocumented criminal alien incarceration costs contingent on State and local cooperation in identifying deportable criminal aliens in their custody and also provide for full Federal reimbursement of the costs of incarcerating inmates whose immigration status was not verified by Federal immigration agents prior to their release from state or local custody.

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